

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-30 are pending in the present application. Claims 1, 10, 25-26 and 29-30 are amended by the present amendment. Support for the amended claims can be found at least in an exemplary embodiment at Figs. 7-9 and pp. 30-37 of the originally filed disclosure. No new matter is presented.

In the Final Office Action of October 15, 2009 (herein, the Final Office Action), independent Claims 1, 25 and 29 are rejected under 35 U.S.C. § 103(a) as unpatentable over Gerszberg et al. (U.S. Pat. 6,178,446, herein Gerszberg) in view of Paul et al. (U.S. Pub. 203/0172108, herein Paul), Garcia et al. (U.S. Pat. 5,510,832, hereinafter Garcia) and Walker et al. (U.S. Pat. 6,263,505, herein Walker); independent Claims 10, 26 and 30 are rejected under 35 U.S.C. § 103(a) as unpatentable over Gerszberg in view of Paul and Walker; and dependent Claims 2-9 and 11-24 are rejected under 35 U.S.C. § 103(a) as unpatentable over Gerszberg in view of Paul and/or Garcia and Walker in combination with one or more of Maritzen et al. (U.S. Pub. 2002/0026419, herein Maritzen), Leonard et al. (U.S. Pub. 2002/046109, herein Leonard), Giuliani et al. (U.S. Pat. 5,974,399, herein Giuliani), Pocock et al. (U.S. Pat. 5,014,125, herein Pocock), Holman et al. (U.S. Pat. 5,287,181, herein Holman), Von Kohorn et al. (U.S. Pat. 5,128,752, herein Von Kohorn), and Maeda et al. (U.S. Pub. 2003/0003431, herein Maeda).

In response to the above noted rejections under 35 U.S.C. § 103(a), Applicants respectfully submit that amended independent Claims 1, 10, 25-26 and 29-30 recite novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 1, for example, recites an information processing apparatus comprising:

a transmitter configured to transmit request information ... requesting related information related to a *song* in a broadcast program being received and including *at least one of a song title of the song or an artist name of an artist of the song* ...

Independent Claims 10, 25, 26, 29 and 30, while directed to alternative embodiments, recite similar features. Accordingly, the remarks and arguments presented below are applicable to each of independent Claims 1, 10, 25, 26, 29 and 30.

P. 4 of the Final Office Action concedes that the combined system of Gerszberg, Paul and Garcia “fails to disclose that the request includes at least one of a title of the content or an author of the content”. Therefore, it also follows that these references fail to teach or suggest the more detailed features that the request information includes “*at least one of a song title of the song or an artist name of an artist of the song*”, as recited in the amended independent claims.

In an attempt to remedy the above noted deficiencies of Gerszberg, Paul and Garcia, the Final Office Action relies on Fig. 2: 33, col. 6, ll. 54-62 and col. 7, ll. 48-62 of Walker.

These cited portions of Walker describe transmitting information regarding a particular television program for purposes of obtaining further information regarding the television program, but fail to teach or suggest “transmit[ting] ... request information ... including at least one of a *song title of the song or an artist name of an artist of the song*” received in a broadcast program, as recited in independent Claim 1.

Specifically, Fig. 2 and col. 6, ll. 54-62 of Walker describe that the transmitted program identification information 33 is an eight digit alphanumeric code uniquely representing the particular video program being displayed. Therefore, while Walker does appear to describe transmitting an eight digit alphanumeric code to obtain supplemental

information about a television program, the reference fails to teach or suggest “transmit[ting] ... request information ... including at least one of a *song title of the song or an artist name of an artist of the song*”, as recited in independent Claim 1. More particularly, the eight digit alphanumeric code in Walker can not fairly be considered analogous to *a song title of a song or an artist name of an artist of a song*, as recited in amended independent Claim 1.

Accordingly, for at least the reasons discussed above, Applicants respectfully request that the rejection of Claim 1 under 35 U.S.C. § 103 be withdrawn. For substantially similar reasons it is also submitted that independent Claims 10, 25, 26, 29 and 30 patentably define over Gerszberg, Paul, Garcia and Walker.

Regarding the rejection of Claims 2-9 and 11-24 under 35 U.S.C. § 103(a) as unpatentable over Gerszberg in view of Paul and/or Garcia and Walker in combination with one of Maritzen, Leonard, Giuliani, Pocock, Holman, Von Kohorn, and Maeda, Applicants note that Claims 2-9 and 11-24 ultimately depend from independent Claims 1 and 10, and are believed to be patentable for at least the reasons discussed above. Further, Applicants respectfully submit that none of the applied tertiary references cure the above noted deficiencies of Gerszberg, Paul, Garcia and Walker.

Accordingly, Applicants respectfully request that the rejection of Claims 2-9 and 11-24 under 35 U.S.C. § 103 be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-27 and 29-30 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCDELLAND,
MAIER & NEUSTADT, L.L.P.

Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Andrew T. Harry
Registration No. 56,959

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/09)